

**Remarks**

The Office Action mailed August 23, 2005, has been received and reviewed. Claims 1-93 have been cancelled. Claims 94-117 are currently pending in the application and stand rejected. For the reasons set forth below, these claims are believed to be in condition to allowance.

Rejections under 35 U.S.C. 102 and 103

In the Office Action, the Examiner rejected claims 94, 95, 97, 98, 100-112, and 114-116 under 35 U.S.C. § 102(e) as being anticipated by Kravetz et al., U.S. Patent No. 6,397,196 B1 (hereinafter “Kravetz”).

Applicant respectfully notes that Kravetz teaches a *loan* and the present application discloses a *payroll advance*. Because these two concepts have distinctly different underlying characteristics, Applicant respectfully submits that the claim set as provided herein is not anticipated by the cited reference, as Kravetz does not “teach every aspect of the claimed invention” as required by M.P.E.P 706.02.

In the Office Action, the Examiner also rejected claims 96, 97, 98, 109, 111, and 112 under 35 U.S.C. § 103(a) as being unpatentable over Kravetz in view of Official Notice. Applicant respectfully submits that for the same reasons given above, the claim set as provided herein is not made obvious by the cited language, because the cited references, when combined, do not teach or suggest all the claim limitations, as required by M.P.E.P 706.02(j).

The Examiner similarly rejected claims 99 and 113 under 35 U.S.C. § 103(a) as being unpatentable over Kravetz in view of Risafi et al., U.S. Patent No. 6,473,500 B1. For the reasons stated above, Applicant respectfully submits that these references when combined do not teach or

suggest all the claim limitations.

Finally, the Examiner rejected claim 117 under 35 U.S.C. § 103(a) as being unpatentable over Kravetz in view of an article by Rusty Cawley, “New Texas Capital product marries payroll, ATMs.” For the reasons stated above, and in light of Cawley never mentioning or suggesting any connection to payroll advances, Applicant respectfully submits that the claim set as provided herein is not made obvious by the cited references.

**Affidavit submitted under 37 C.F.R. § 1.131**

Applicant has submitted with this Response an Affidavit in conformity with 37 C.F.R. § 1.131, stating that the present invention was invented prior to the effective date of Kravetz. Applicant thus respectfully requests that, based upon the facts stated in the Affidavit, the Examiner withdraw all rejections based upon Kravetz.

**Conclusion**

In view of the foregoing, Applicant respectfully submits that claims 94-117 are in condition for immediate allowance. In the event the Examiner finds any remaining impediment to the prompt allowance of any of these claims which could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the same with the Applicant's undersigned attorney.

DATED this 17<sup>th</sup> day of February, 2006.

Respectfully submitted,



Berne S. Broadbent  
Attorney for Applicant  
Registration No. 30,550

KIRTON & McCONKIE  
1800 Eagle Gate Tower  
60 East South Temple Street  
P.O. Box 45120  
Salt Lake City, Utah 84145-0120  
Telephone: (801) 328-3600  
Facsimile: (801) 321-4893

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